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Practitioner's Docket No. FORE-107

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kevin Nolish, Drew Anderson and Keith Arner

Application No.: 10/782,217

Filed: 02/19/04

For: METHOD, APPARATUS AND SOFTWARE FOR PREVENTING SWITCH FAILURES IN THE PRESENCE OF FAULTS

CERTIFICATE OF FIRST CLASS MAILING WITH MAIL STOP (CM-MS) (37 C.F.R. § 1.8(a)(i)(1)(A))

I hereby certify that on January 15, 2009 the following correspondence:

Name of Paper: AMENDMENT TRANSMITTAL

Number of Pages: 2

Other: AMENDMENT

is being deposited with the United States Postal Service in an envelope addressed to:

Mail Stop Amendment
Commissioner for Patents
PO Box 1450
Alexandria, Virginia, 22313-1450

with sufficient postage as first class mail.

Tracey L. Klaas

Signature

Telephone Number: 412-621-9222

Tracey L. Klaas

Type or print name of person certifying

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kevin Nolish, Drew Anderson and Keith Arner

Application No.: 10/782,217

Group No.: 2113

Filed: 02/19/2004

Examiner: Elmira Mehrmanesh

For: METHOD, APPARATUS AND SOFTWARE FOR PREVENTING SWITCH FAILURES IN THE PRESENCE OF FAULTS

Mail Stop Amendment**Commissioner for Patents****P.O. Box 1450****Alexandria, VA 22313-1450****AMENDMENT TRANSMITTAL**

- Transmitted herewith is an amendment for this application.

STATUS

- Applicant is other than a small entity.

EXTENSION OF TERM

- The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

- The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

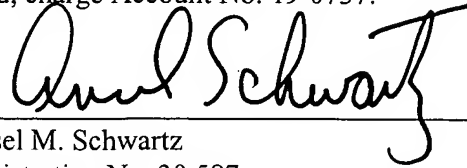
| | (Col. 1) | (Col. 2) | (Col. 3) | OTHER THAN A SMALL ENTITY | | | |
|-------------------------------------------|-----------|-------------|----------|---------------------------|------|--------|--|
| | CLAIMS | | | | | | |
| | REMAINING | HIGHEST NO. | PRESENT | | | | |
| | AFTER | PREVIOUSLY | EXTRA | RATE | | ADDIT. | |
| | AMENDMENT | PAID FOR | | | | FEE | |
| TOTAL | 18 | — 20 | = 0 | x \$ 52.00 | = \$ | 0.00 | |
| INDEP. | 3 | — 3 | = 0 | x \$ 220.00 | = \$ | 0.00 | |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | + \$ 0.00 | = \$ | 0.00 | |
| | | | | TOTAL | | | |
| | | | | ADDIT. FEE | \$ | 0.00 | |

No additional fee for claims is required.

FEE DEFICIENCY

5. If an additional extension and/or fee is required, charge Account No. 19-0737.

If an additional fee for claims is required, charge Account No. 19-0737.

A handwritten signature in black ink, reading "Ansel Schwartz", written over a horizontal line.

Ansel M. Schwartz
Registration No. 30,587
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412-621-9222



Elmira Mehrmanesh

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**METHOD, APPARATUS AND
SOFTWARE FOR PREVENTING
SWITCH FAILURES IN THE
PRESENCE OF FAULTS**
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January 15, 2009

Sir:

AMENDMENT

In response to the Office Action dated October 16, 2008, please enter the following amendments to the above-identified application as follows.